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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ORRICK HERRINGTON & SUTCLIFFE LLP  
666 FIFTH AVENUE  
NEW YORK, NY 101030001

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/420,459	PRIDDY, DENNIS G. <i>D</i>
<b>Examiner</b>	<b>Art Unit</b>	
LUONG T NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 May 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 17-22 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10/18/99 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I invention, claims 1-16, in the reply filed on 5/12/2004 is acknowledged.
  
2. Claims 17-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/12/2004.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because "means" is used in the abstract. Correction is required. See MPEP § 608.01(b).
  
5. The disclosure is objected to because of the following informalities:

In the specification, page 12 (line 11), “bus connection 222” should be changed to --bus connection 122--.

In the specification, page 12 (line 18), “bus 222” should be changed to --bus 122--.

In the specification, pages 13-16, the reference character “220” has been used to designate both “device 220” and “Internet node 220”.

Appropriate correction is required.

### ***Drawings***

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “220” has been used to designate both “portable wireless communications product 220” and “Internet node 220”. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

7. Claims 3-16 are objected to because of the following informalities:

Claim 3 (line 2), claim 4 (line 2), claim 14 (lines 17-18), “image sensor pixels” should be changed to --image sensor--.

Claim 3 (line 3), claim 4 (line 3), claim 14 (line 19), “the control processing unit” should be changed to --the central processing unit--.

Claim 5 (line 5), “the Internet” should be changed to --the Internet browser--.

Claim 5 (line 12), “the communication channel” should be changed to --the communications channel--.

Claim 9 (line 3), “said required biometric attribute” should be changed to --said biometric attribute data--.

Claim 13 (line 2), “a digital image” should be changed to --the digital image--.

Claim 14 (line 23), “said module” should be changed to --a module--.

Claim 14 (line 24), “said communications node” should be changed to -- said communication node--.

Claim 15 (line 3), “said database” should be changed to --said secure personal data base--.

Claim 15 (lines 3-4), “said biometric attribute sensor” should be changed to –said biometric sensor--.

Claim 15 (line 4), “said personal database” should be changed to --said secure personal database--.

Appropriate correction is required.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 5, 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 (line 6) recites the limitation "the" in "the interface information". There is insufficient antecedent basis for this limitation in the claim.

Claim 16 (line 2) recites the limitation "said" in "said biometric data". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Glass et al. (US 6,332,193).

Regarding claim 9, Glass et al. disclose a communications node (authentication server 10, figure 2, column 4, line 45 – column 5, line 11) comprising means for receiving a transmission containing a biometric attribute data associated with a remote user (authentication server 10

receives biometric image file from client system 1, figure 2, column 4, line 45 – column 5, line 11), and means for identifying said user in response to said biometric attribute (matcher for verifying the identity of the user, figure 2, column 3, lines 55-59).

Regarding claim 10, Glass et al. disclose a database comprising a plurality of securely stored biometric attributes data (column 4, lines 14-18).

Regarding claim 11, Glass et al. disclose means for verifying the identity and authenticity of the user associated with a received biometric attribute (matcher for verifying the identity of the user, figure 2, column 3, lines 55-59), wherein the transmission is associated with said user conducting a financial transaction (column 3, lines 36-42).

Regarding claim 12, Glass et al. disclose the transmission includes data corresponding to a digital image (column 4, lines 58-60), means for storing the data corresponding to the digital image (frame store 43, figure 3, column 5, lines 54-56).

#### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 2, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrave et al. (US 6,377,699) in view of Marwell et al. (US 6,668,055).

Regarding claim 1, Musgrave et al. disclose a multi-function semiconductor module comprising an image sensor (video camera 105, figure 8, column 4, lines 27-31), column 6, line 61 – column 7, line 11, column 12, lines 62-67); an image processing circuit (inherently included in video camera 105); an automatic identification circuit, responsive to a captured image, to identify information coded in the image (comparing the stored images to captured image to identify if there is a match (to identify the information coded in the image), step 635, step 640, figure 10, column 13, lines 54-67); means for inputting a biometric attribute (image of an iris with its biometric attribute is inputted via lens 110 (figures 2A, 8); means for providing a wireless communication including an antenna, a transmitter, a receiver, a wireless communication protocol and an Internet browser (figures 8-9, column 13, lines 28-41); a central processing unit (processor 510, figure 8, column 13, lines 1-26); a memory containing a first biometric attribute and software for executing a predetermined application (memory 530, 532, 505, figure 8, column 13, lines 1-26).

Musgrave et al. fail to specifically disclose a secure personal database. However, the creating a database for storing telephone numbers in a cellular telephone is well known in the art as disclosed in Marwell et al. patent (column 1, lines 62-65, column 2, lines 13-16). Therefore, it would have been to modify the device in Musgrave et al. by the teaching of Marwell et al. in order to let the user to store personal data base such as telephone numbers. This let the user can call to any telephone numbers without the need to recall the contact's telephone numbers.

Regarding claim 2, Musgrave et al. disclose means for comparing said inputted biometric attribute to the first biometric attribute and permitting access to the secure personal database in response to the input biometric attribute matching the first biometric attribute (Musgrave et al. also disclose that when there is a match between captured image and the stored images (biometric templates), the user is able to use the phone to place a call (accessing to the database), figure 10, column 13, lines 5-13, lines 64-67).

Regarding claims 15, 16, Musgrave et al. disclose a portable wireless communications device (digital cell phone comprises imager 700 and telephone 575, figure 9, column 13, lines 37-41) comprising a sensor responsive to a biometric attribute (camera 105, figure 8, column 4, lines 27-31), column 6, line 61 – column 7, line 11, column 12, lines 62-67), and a processor (processor 510, figure 8) responsive to said biometric sensor and said database for verifying a sensed biometric attribute sent by said biometric sensor (figure 10, column 13, lines 54-62).

Musgrave et al. fail to specifically disclose a secure personal database and granting access to said personal database on biometric verification. However, the creating a database for storing telephone numbers in a cellular telephone is well known in the art as disclosed in Marwell et al. patent (column 1, lines 62-65, column 2, lines 13-16). And Musgrave et al. also disclose that when there is a match between captured image and the stored images (biometric templates), the user is able to use the phone to place a call (accessing to the database, figure 10, column 13, lines 5-13, lines 64-67). Therefore, it would have been to modify the device in Musgrave et al. by the teaching of Marwell et al. in order to allow the user to call any telephone numbers without the need to recall the contact's telephone numbers.

14. Claims 3, 4, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrave et al. (US 6,377,699) in view of Marwell et al. (US 6,668,055) further in view of Alperovich et al. (US 6,317,609).

Regarding claim 3, Musgrave et al. disclose a lens (lens 110, figure 8), wherein the central processing unit is coupled to the memory and the image processing circuit and stores the captured image in said memory (processor 510 is coupled to RAM 532, which stores captured image, figure 8). Musgrave et al. and Marwell et al. do not disclose an input/output means for transmitting the digital representation of captured image to a remote device. However, Alperovich et al. disclose a system and method for transporting digital speech and digital pictures, in which the digital image 355 from mobile station MS 20a is transmitted and displayed at MS 20b (figures 3-4, column 3, lines 1-10, column 6, lines 20-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Musgrave et al. and Marwell et al. by the teaching of Alperovich et al. in order to allow a user to view a scene at a remote location.

Regarding claim 4, Musgrave et al. disclose a supplementary memory (ROM 505, figure 8), a lens (lens 110, figure 8), wherein the central processing unit is coupled to the memory, the supplementary memory, and the image processing circuit and stores the captured image in one of the memory and the supplemental memory (processor 510 is coupled to RAM 532, which stores captured image, figure 8). Musgrave et al. and Marwell et al. do not disclose an input/output means for transmitting the digital representation of captured image to a remote device. However,

Alperovich et al. disclose a system and method for transporting digital speech and digital pictures, in which the digital image 355 from mobile station MS 20a is transmitted and displayed at MS 20b (figures 3-4, column 3, lines 1-10, column 6, lines 20-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Musgrave et al. and Marwell et al. by the teaching of Alperovich et al. in order to allow a user to view a scene at a remote location.

As for claim 14, all the limitations are contained in claims 1 and 4. Therefore, see Examiner's comment regarding claims 1 and 4.

15. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrave et al. (US 6,377,699) in view of Marwell et al. (US 6,668,055) and Alperovich et al. (US 6,317,609) further in view of Ogasawara (US 6,512,919).

Regarding claim 5, Musgrave et al. disclose the image processing circuit further comprises means for capturing single and sequential digital images (A/D converter inherently included in video camera 105, figure 8). Alperovich et al. disclose an interface for voice/data communication channel to a networked computer server and transmitting the images via the interface over the communication channel to a remote location (figure 4).

Musgrave et al., Marwell et al. and Alperovich et al. do not disclose means for scanning, decoding, and transmitting via the interface information encoded in an automatic identification indicia, said indicia being selected from among the group consisting of bar codes, matrix codes, Optical Character Recognition, and Radio Frequency Identification Tags; a processor operable to

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transmit queries, receive textual and graphic responses, execute secure purchase of goods or services, and remotely store records related to electronic commerce transactions, and to execute the purchase of non-electronic commerce goods and services, wherein the personal database comprises personal identification and credit card/debit card account information. However, Ogasawara discloses an electronic shopping system facilitates purchase transactions via a wireless phone, which includes a digital camera for scanning and transmitting the bar code to a server (figures 10, 13-14, column 20 - column 21), a microprocessor 238 for executing a purchase and remotely store records related to electronic commerce transactions (figure 10, column 17, lines 1-67), and customer profile information may include credit information (column 17, lines 40-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Musgrave et al., Marwell et al. and Alperovich et al. by the teaching of Ogasawara in order to provide the ability to conduct electronic shopping from location away from the home without the need to access his or her home television or computer (column 1, line 65 – column 2, line 5).

Regarding claim 6, Musgrave et al. disclose means for generating and transmitting a digital security coded based on an input biometric attribute (extract, encrypt, and transmit template for identification, steps 370, 376, figure 6).

Regarding claim 7, Ogasawara discloses means for activating a large scale processing application on a remote server (microprocessor 238, figure 10).

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Regarding claim 8, Ogasawara discloses means for securely executing personal financial transactions (shopping history information, column 17, lines 45-47).

16. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glass et al. (US 6,332,193) in view of Alperovich et al. (US 6,317,609).

Regarding claim 13, Glass et al. fail to specifically disclose means for downloading to a plurality of remote display devices, said stored data corresponding to the digital image, said remote display devices being selected from among the group consisting of portable wireless communication devices, personal computers, and cable connected television sets. However, Alperovich et al. disclose a system and method for transporting digital speech and digital pictures, in which the digital image 355 from mobile station MS 20a is transmitted and displayed at MS 20b (figures 3-4, column 3, lines 1-10, column 6, lines 20-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Glass et al. by the teaching of Alperovich et al. in order to allow a user to view a scene at a remote location.

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***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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NGOC-YEN VU  
PRIMARY EXAMINER